

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

IN RE BARD IVC FILTERS  
PRODUCTS LIABILITY LITIGATION

No. 2:15-MD-02641DGC

**FIRST AMENDED MASTER  
SHORT FORM COMPLAINT FOR  
DAMAGES FOR INDIVIDUAL  
CLAIMS AND DEMAND FOR JURY  
TRIAL**

Plaintiff(s) named below, for their Complaint against Defendants named below,  
incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364).

Plaintiff(s) further show the Court as follows:

1. Plaintiff/Deceased Party:

Mary Curtis

2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of  
consortium claim:

Charles Curtis

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian,  
conservator):

N/A

4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at  
the time of implant:

West Virginia

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

West Virginia

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

West Virginia

7. District Court and Division in which venue would be proper absent direct filing:

United States District Court for the Southern District of West Virginia

8. Defendants (check Defendants against whom Complaint is made):

☒ C.R. Bard Inc.

☒ Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

☒ Diversity of Citizenship

☐ Other: \_\_\_\_\_

a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):

☐ Recovery<sup>®</sup> Vena Cava Filter

☐ G2<sup>®</sup> Vena Cava Filter

1           X     G2<sup>®</sup> Express (G2<sup>®</sup>X) Vena Cava Filter

2           ☐    Eclipse<sup>®</sup> Vena Cava Filter

3           ☐    Meridian<sup>®</sup> Vena Cava Filter

4           ☐    Denali<sup>®</sup> Vena Cava Filter

5           ☐    Other: \_\_\_\_\_

6       11.   Date of Implantation as to each product:

7           December 2, 2009

8  
9       12.   Counts in the Master Complaint brought by Plaintiff(s):

10          X     Count I:     Strict Products Liability – Manufacturing Defect

11          X     Count II:    Strict Products Liability – Information Defect (Failure to  
12                               Warn)

13          X     Count III:    Strict Products Liability – Design Defect

14          X     Count IV:    Negligence - Design

15          X     Count V:     Negligence - Manufacture

16          X     Count VI:    Negligence – Failure to Recall/Retrofit

17          X     Count VII:   Negligence – Failure to Warn

18          X     Count VIII:   Negligent Misrepresentation

19          X     Count IX:    Negligence Per Se

20          X     Count X:     Breach of Express Warranty

21          X     Count XI:    Breach of Implied Warranty

22          X     Count XII:   Fraudulent Misrepresentation

1           X     Count XIII: Fraudulent Concealment

2           X     Count XIV: Violations of Applicable West Virginia (insert state)  
3                   Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade  
4                   Practices

5           X     Count XV: Loss of Consortium

6           ☐   Count XVI: Wrongful Death

7           ☐   Count XVII: Survival

8           X     Punitive Damages

9           ☐   Other(s): \_\_\_\_\_ (please state the facts supporting  
10                   this Count in the space immediately below)

11                   \_\_\_\_\_  
12                   \_\_\_\_\_  
13                   \_\_\_\_\_  
14                   \_\_\_\_\_  
15                   \_\_\_\_\_

16  
17       13.   Jury Trial demanded for all issues so triable?

18           X     Yes

19           ☐   No  
20  
21  
22

1 RESPECTFULLY SUBMITTED this 27<sup>th</sup> day of February, 2019.

2 TAUTFEST BOND, PLLC

3 By: /s/ Monte Bond

4 Monte Bond

5 Texas Bar No. 02585625

6 5151 Belt Line Road

7 Suite 1000

8 Dallas, TX 75254

9 Phone: (214) 617-9980

10 Fax: (214) 853-4281

11 By: /s/ Jessica Glitz

12 Jessica Glitz

13 Texas Bar No. 24076095

14 5151 Belt Line Road

15 Suite 1000

16 Dallas, Texas 75254

17 Phone: (214) 617-9980

18 Fax: (214) 853-4281

19 Attorneys for the Plaintiff

20 I hereby certify that on this 27<sup>th</sup> day of February, 2019, I electronically  
21 transmitted the attached document to the Clerk's Office using the CM/ECF System for  
22 filing and transmittal of a Notice of Electronic Filing.

/s/ Monte Bond

/s/ Jessica Glitz